



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

2 Edward Moore & Marie Moore Family Trust 11-12-91 Case No. 11CEPR00596
Atty Roberts, Gregory J. (for Timothy E. Moore – Trustee)
Atty Moore Huston, Deborah R. (pro per – Objector)
Atty Moore, Terence E. (pro per – Objector)

Status Hearing Re: Terence Moore's Bankruptcy Proceeding in Case #12-10802

		<p>TIMOTHY MOORE, Successor Trustee's First Account and Report of Successor Trustee and Petition for its Approval, was heard on 03/18/13.</p> <p>The matter was set for a Court Trial on 04/24/13.</p> <p>Former Trustee TERENCE E. MOORE was removed per minute order 11-29-11. The order was signed 12-15-11.</p> <p>Minute Order from 04/24/13 set this matter for hearing regarding Terence Moore's bankruptcy proceeding.</p> <p>Status Declaration of Timothy Moore, Trustee, filed 08/02/13 states: The matter came before the Bankruptcy Court on 07/31/13 and the trial was continued until 12/13/13. The Trustee, Timothy Moore, requested an earlier date, but counsel for Terence Moore requested a December date. This Court was holding off on making a decision as to the allocation of costs and fees to be recovered from the beneficiaries, until after the bankruptcy trial so, if assets were recovered from the bankruptcy and put in the Trust, it would be easier for the Court to determine if it was necessary for the Court to issue an order for the recovery of funds from the beneficiaries to pay costs of the trust administration and to reimburse the Trustee for Trust expenses paid personally by Timothy Moore. As the bankruptcy trial has been continued until 12/13/13, the Trustee requests that this status hearing be continued until sometime in January of 2014.</p> <p>There is also the issue remaining regarding the appraisal and sale of a coin collection. The beneficiaries had some discussions with the Trustee regarding a possible resolution regarding the value of the coin collection and the purchase of the coin collection by a beneficiary. Those discussions failed resulting in the coin collection being appraised. The appraisal should be completed within the next 10 days and the Trustee will proceed with the sale of the coin collection as instructed by the Court. To keep costs down, it is requested that the court continue this matter until January 2014 thereby avoiding further costs and fees to the Trust and the Trustee.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 09/15/14</u></p> <p>As of 10/22/14, nothing further has been filed in this matter.</p> <p>1. Need current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p> <p>Joint Status Declaration filed 7-14-14 by Attorney Gregory J. Roberts for Timothy Moore states he spoke with Terrence on 7-14-14 (see attached email). The parties are still waiting for the decision of the Bankruptcy Court. The parties request a 6-8 week continuance without appearance on 7-15-14.</p>
<p>Conf. from 080913, 011014, 031814, 091514</p>			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Continued on Page 2

Status Declaration of Timothy Moore, Trustee filed 03/17/14 states: This matter was set for status on this date to advise the Court as to the status of the bankruptcy of Terrance Moore and the claim by the Trustee against Terrance Moore in the bankruptcy matter. The bankruptcy trial was held on 12/13/13. The trial was completed, but the court requested briefing and closing argument. The matter was set to be heard by the bankruptcy court, but Terrance Moore fired his attorney. Terrance Moore did not get court approval for the removal of his attorney as required by the court so the matter has been continued until the attorney issue is resolved and then closing arguments. The Trustee believes that Terrance Moore is continuing his antics to delay matters and to cause additional costs to the Trustee. This Court was holding off on making a decision as to the allocation of costs and fees to be recovered from the beneficiaries until after the bankruptcy trial so if assets were recovered from the bankruptcy and put in the Trust, it would be easier for the Court to determine if it was necessary for the Court to issue an order for the recovery of funds from the beneficiaries to pay costs of the trust administration and to reimburse the Trustee for Trust expenses paid personally by Timothy Moore. It now appears that the bankruptcy matter will not be resolved for several months, or longer. The Trustee requests a continuance to July 2014 at which time he hopes the bankruptcy trial will be completed and a final order can be made in this matter.

The appraisal and sale of the coin collection was completed in 2013. The coin collection sold for \$2,801.01 and the funds were put into the trust.

(1) First and Final Account and Report of Conservator; (2) Petition for Allowance of Compensation to Conservator and his Attorney; and (3) Distribution

DOD: 10/18/12		PUBLIC ADMINISTRATOR , Conservator of the Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 09/22/14</u>
		Account period: 06/26/12 – 10/18/12	
Cont. from 042414, 052714, 062414, 072114, 092214		Accounting - \$733,869.23 Beginning POH - \$655,215.93 Ending POH - \$578,727.55	
<input type="checkbox"/>	Aff.Sub.Wit.	Subsequent account period: 10/19/12 – 02/20/14	
<input checked="" type="checkbox"/>	Verified	Accounting - \$728,711.54 Beginning POH - \$578,727.55 Ending POH - \$605,382.95 (\$62,645.20 is cash)	
<input type="checkbox"/>	Inventory	Conservator - \$7,482.62 (26.09 staff hours @ \$76/hr. and 57.29 deputy hours @ \$96/hr.)	
<input type="checkbox"/>	PTC	Attorney - \$2,500.00 (ok per Local Rule)	
<input type="checkbox"/>	Not.Cred.	Bond fee - \$769.44 (ok)	
<input checked="" type="checkbox"/>	Notice of Hrg	Costs - \$539.00 (filing fees and certified copies)	
<input checked="" type="checkbox"/>	Aff.Mail	Petitioner states that the conservatee has a trust and her assets will pass to that trust. Michael Smith, conservatee's son, is the trustee of her trust. Petitioner requests distribution of the remaining cash of \$51,354.17 and personal and real property be made to her son, in his capacity as trustee of her trust.	
<input type="checkbox"/>	Aff.Pub.	Petitioner prays for an Order:	Reviewed by: JF
<input type="checkbox"/>	Sp.Ntc.	1. Finding that the conservatorship of the person and estate terminated on 10/18/12, the conservatee's date of death;	Reviewed on: 10/22/14
<input type="checkbox"/>	Pers.Serv.	2. Approving, allowing and settling the first and final account;	Updates:
<input type="checkbox"/>	Conf. Screen	3. Authorizing the conservator and attorney fees and commissions;	Recommendation:
<input type="checkbox"/>	Letters	4. Authorizing payment of the bond fee and costs; and	File 3 – Smith
<input type="checkbox"/>	Duties/Supp	5. Authorizing distribution of the balance of property as stated in the Petition (and above).	
<input type="checkbox"/>	Objections	Continued on Page 2	
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	2620		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Objection to First and Final Account and Report of Conservator and Petition for Distribution filed 04/22/14
by Mike (Butch) Smith, Jr. states:

1. The Petition for Distribution requests to distribute the remaining assets of the conservatorship estate to the conservatee's trust – to Michael Smith, as trustee of that Trust.
2. Petitioner reports that the conservatorship estate is holding cash assets in the amount of \$62,645.29 and other non-cash assets.
3. Objecting party alleges that the Jean Smith conservatorship estate owes Ben Smith (conservatee's husband) \$116,398.12 [itemization and reasoning provided].
4. Objector further alleges that the conservatee owes \$6,203.99 to the State of California for the 2011 tax year and states this should be cleared before distribution of the conservatorship estate.

4 Tomas Ybarra (Estate)

Case No. 13CEPR00404

Atty Kruthers, Heather H. (for Public Administrator – Administrator/Petitioner)

(1) First and Final Account and Report of Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) for Distribution

DOD: 01/04/13		PUBLIC ADMINISTRATOR , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: CONTINUED FROM 09/22/14 Minute Order from 07/30/14 states: Matter is continued to 09/29/14 to allow Mary Ybarra an opportunity to file written objections to the accounting. Ms. Ybarra is directed to file her objections by no later than 09/04/14. Any responses are to be filed by 09/18/14. As of 10/22/14, nothing further has been filed. <u>Note:</u> The Order previously submitted was signed prior to the order being rescinded. Need new Order.
		Account period: 08/29/13 – 03/27/14	
		Accounting - \$128,880.79	
		Beginning POH - \$127,804.50	
		Ending POH - \$12,967.49	
Cont. from 061114 073014, 092914		Administrator - \$4,866.43 (statutory)	
<input type="checkbox"/>	Aff.Sub.Wit.	Administrator x/o - \$2,028.45 (per Local Rule for the sale of real property and sale of personal property)	
<input checked="" type="checkbox"/>	Verified	Attorney - \$4,866.43 (statutory)	
<input checked="" type="checkbox"/>	Inventory	Bond fee - \$161.10 (ok)	
<input checked="" type="checkbox"/>	PTC	Costs and certified copies - \$460.50 (filing fees)	
<input checked="" type="checkbox"/>	Not.Cred.	Petitioner states that after payment of commissions, fees and costs in the amount of \$12,382.91, the remaining \$584.58 will be paid to Frances Ybarra as partial reimbursement for funeral costs. Due to the insufficiency of the estate, there are no assets from which to pay the creditor's of the estate or distribute any property to the heirs.	
<input checked="" type="checkbox"/>	Notice of Hrg	Declaration of Mary Ybarra filed 09/02/14 states: that she is acting under a power of attorney on behalf of her son, Erik Thomas Ybarra, who is the sole heir to the estate. Ms. Ybarra states that her son feels that that his dad's personal property was unjustly distributed to other persons or sold when said property should have been distributed to him. At this time, all Erik would like from the estate are personal family and military pictures and his father's service medals. It is his understanding that his cousin, Carmelo Rodriguez, currently has those items. With regard to the funeral expenses for which Frances Ybarra wants reimbursement, Declarant states that expending those monies was Frances' decision and was not necessary. VA benefits were available to cover the costs of burial in a National Cemetery (as was decedent's wish).	
<input checked="" type="checkbox"/>	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters	09/04/13	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

Reviewed by: JF

Reviewed on: 10/22/14

Updates:

Recommendation:

File 4 - Ybarra

7 Christina DeLaCruz Irlas (Estate)
 Atty Nielson, Bruce (for Petitioner Irene Preciado Irlas)
 Atty Irlas, Fernando (pro per Objector)
 Atty Irlas, Ruben (pro per Objector)
 Atty Gomez, Esmeralda (pro per Objector)

Case No. 14CEPR00634

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 2/27/14		IRENE PRECIADO IRLAS , daughter, is petitioner and requests appointment as Administrator without bond. Full IAEA – o.k. Decedent died intestate. Residence: Selma Publication: Selma Enterprise	NEEDS/PROBLEMS/COMMENTS: Continued from 9/23/14. Minute order states Mr. Nielson filed a substitution of attorney today and requests a continuance. As of 10/22/14 the following issues remain: 1. Need waivers of bond from <u>all</u> beneficiaries or bond set at \$150,300.00 (<u>Note</u> : Minor's cannot waive bond therefore if there are minor beneficiaries bond will be required.) 2. Need Duties and Liabilities. 3. Need date of death of deceased spouse and of deceased child, Christina Pena, pursuant to Local Rule 7.1.1D. 4. #5a(3) or 5a(4) of the petition was not answered re: Registered domestic partner. 5. Petition lists several grandchildren but does not list their ages as required. 6. Petition states there are issue of predeceased child however the issue are either not listed or are not clearly identified. Are the grandchildren listed the children of Christina Pena? Please see additional page
Cont. from 082514, 092314			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

IRENE PRECIADO IRLAS, daughter, is petitioner and requests appointment as Administrator without bond.

Full IAEA – o.k.

Decedent died intestate.

Residence: Selma
 Publication: Selma Enterprise

Estimated value of the estate:

Personal property - \$ 300.00
 Real property - \$150,000.00
Total - \$150,300.00

Probate Referee – Steven Diebert.

Objections of Fernando Irlas filed on 9/8/14 states he objects to Petitioner's appointment based on the following:

1. Irene's mental health is questionable.
2. Irene failed to inform him that their mother was seriously ill. Did not keep him informed about their mother's arrangements. Assets of the decedent were allowed to be transferred to other family members. It is believed that decedent's life insurance policy was altered to name their brother Joe as beneficiary.
3. The petition for probate is filled with errors and misstatements. Personal property of the estate exceeds the \$300 listed.

Please see additional page

NEEDS/PROBLEMS/COMMENTS:

Continued from 9/23/14. Minute order states Mr. Nielson filed a substitution of attorney today and requests a continuance.

As of 10/22/14 the following issues remain:

1. Need waivers of bond from all beneficiaries or bond set at \$150,300.00 (Note: Minor's cannot waive bond therefore if there are minor beneficiaries bond will be required.)
2. Need Duties and Liabilities.
3. Need date of death of deceased spouse and of deceased child, Christina Pena, pursuant to Local Rule 7.1.1D.
4. #5a(3) or 5a(4) of the petition was not answered re: Registered domestic partner.
5. Petition lists several grandchildren but does not list their ages as required.
6. Petition states there are issue of predeceased child however the issue are either not listed or are not clearly identified. Are the grandchildren listed the children of Christina Pena?

Please see additional page

Reviewed by: KT

Reviewed on: 10/22/14

Updates:

Recommendation:

File 7 – Irlas

Contest of Appointment of Personal Representative filed by Ruben Irlas on 9/8/14 states he opposes the appointment of Irene Preciado Irlas as personal representative for the following reason:

1. Not all assets of the estate are listed.
2. He and his brother were left out of the obituary.
3. Irene has moved into the estate property and has not paid any rent for the benefit of the estate, the only benefit is for her and her family to live there rent free.

Contest of Appointment of Personal Representative filed by Esmeralda Gomez on 9/8/14 states he opposes the appointment of Irene Preciado Irlas as personal representative for the following reason:

1. Not all assets of the estate are listed.
2. Irene verbally told her that she was suffering from depression.

NEEDS/PROBLEMS/COMMENTS (cont.):

For Objector/Contestants:

1. Objection of Fernando Irlas does not include a proof of service showing it has been served on all interested parties.
2. Contest of Ruben Irlas does not include a proof of service showing it has been served on all interested parties.
3. Contest of Esmeralda Gomez does not include a proof of service showing it has been served on all interested parties.

Note: The Contest filed by Ruben Irlas and the Contest filed by Esmeralda Gomez state that they each have filed a petition for their own appointment as personal representative and have served notice of hearing on that petition. However, there is no record that another Petition for Probate has been filed for this decedent.

Note: If the petition is granted, status hearings will be set as follows:

- **Wednesday, December 3, 2014** at 9:00 a.m. in Department 303, for the filing of the bond.
- **Wednesday, March 25, 2015** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.
- **Wednesday, January 6, 2016** at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

Dept. 303, 9:00 a.m. Monday, October 27, 2014

			NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS:
			AUDREY ETHRIDGE , Paternal Grandmother, is Petitioner.	<p><u>Minute Order 9-29-14</u>: The Court notes that Mother is present and deems actual notice has been given. Mother in favor at this time. Father needs to be personally served. The Court grants temporary guardianship on its own motion. Continued to: 10/27/14 at 09:00a.m. in Dept 303</p> <p><u>As of 10-22-14, nothing further has been filed. The following issues remain:</u></p> <ol style="list-style-type: none"> 1. Notice of Hearing filed 9-5-14 indicates <u>mailed</u> service to the parents without a copy of the petition. Probate Code §1511 requires <u>personal</u> service on the parents with a copy of the petition at least 15 days prior to the hearing. The Court may require continuance for proper notice. 2. Notice of Hearing filed 9-5-14 indicates that the two grandfathers were served without a copy of the petition, and the maternal grandmother does not appear to have been served. Need proper service or consent or declaration of due diligence for relatives per Probate Code §1511.
Cont. from 092914			Father: ANTHONY N. PERRY, II - Served by mail on 8-31-14	
<input type="checkbox"/>	Aff.Sub.Wit.		Mother: ASHLEY ROGERS - Served by mail on 8-31-14	
<input checked="" type="checkbox"/>	Verified		Paternal Grandfather: Anthony N. Perry - Served by mail on 8-31-14	
<input type="checkbox"/>	Inventory		Maternal Grandfather: Jimmy Rogers - Served by mail on 8-31-14	
<input type="checkbox"/>	PTC		Maternal Grandmother: Kendra (Last name not provided)	
<input type="checkbox"/>	Not.Cred.		Petitioner states the children need a guardian so they are not split up and placed in a foster home. The parents are young and not stable. The father's current girlfriend does not like these children and he will probably move in with her when he gets out (of Folsom). Petitioner feels they should not have to be around her.	
<input checked="" type="checkbox"/>	Notice of Hrg		Court Investigator Charlotte Bien filed a report on 9-12-14.	
<input checked="" type="checkbox"/>	Aff.Mail	w/o		
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.	x		
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	Clearances			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
				Reviewed by: skc
				Reviewed on: 10-22-14
				Updates:
				Recommendation:
				File 20 - Perry

Atty Willoughby, Hugh W. (for Oswald L. Hernandez – son)

(1) Final Account and Report and (2) Petition for Final Distribution and for (3)

Allowance of Compensation for Ordinary and Extraordinary Services (Independent Administration)

DOD: 04/24/10		OSWALD L. HERNANDEZ , Executor, is	NEEDS/PROBLEMS/COMMENTS:
		Petitioner.	
		Account period: 04/24/10 – 09/01/14	
Cont. from 080814			
<input type="checkbox"/>	Aff.Sub.Wit.	Accounting - \$70,032.36	
<input checked="" type="checkbox"/>	Verified	Beginning POH - \$32,000.00	
<input checked="" type="checkbox"/>	Inventory	Ending POH - \$56,953.59 (all cash)	
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.	Executor - \$2,801.29	
<input checked="" type="checkbox"/>	Notice of Hrg	(statutory)	
<input checked="" type="checkbox"/>	Aff.Mail	Attorney - \$2,801.29	
	Aff.Pub.	(statutory)	
	Sp.Ntc.		
	Pers.Serv.	Attorney x/o - \$1,000.00 (for sale of real property, OK per Local Rule)	
	Conf. Screen		
	Letters 03/07/13	Closing - \$250.00	
	Duties/Supp	Distribution, pursuant to decedent's will, is to:	
	Objections		
	Video Receipt	Elsa H. Claybaugh - \$7,157.29	
	CI Report	Dora F. Gonzalez - \$7,157.29	
<input checked="" type="checkbox"/>	9202	Sylvia C. Hill - \$7,157.29	
<input checked="" type="checkbox"/>	Order	Oswald L. Hernandez- \$7,157.29	
	Aff. Posting	Patrick F. Hernandez- \$7,157.29	
	Status Rpt	Gregg C. Hernandez- \$14,314.56	
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 08/05/14
			Updates:
			Recommendation:
			File 24 – Hernandez